

Attorney Docket No.47777-0005

#18
2/3/04
AW.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christian MAYAUD
Serial No. : 09/941,681
Filing Date : August 30, 2001
Title : A COMPUTERIZED PRESCRIPTION SYSTEM FOR
GATHERING AND PRESENTING INFORMATION
RELATING TO PHARMACEUTICALS
Examiner : Samuel G. Rimell
Group/Art Unit : 2175

Commissioner for Patents
Alexandria, VA 22313-1450

RECEIVED

JAN 28 2004

Technology Center 2100

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME A CITED PATENT OR PUBLICATION
37 C.F.R. § 1.131**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to December 13, 1993, that is the effective date of the Schrier et al. reference (United States Patent No. 5,833,599) that was cited by the Examiner.
2. The person making this declaration is the inventor.

EXPRESS MAIL "mailing label No. EV 323244769 US/Deposited - January 22, 2004
Certificate of Mailing under 37 CFR 1.10

I hereby certify that this Paper with enclosures is being deposited with the United States Postal Service "Express Mail Post Office to Addressee: service under 37 CFR 1.10 on the date indicated above and addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 24, 2004.

/Vernice V. Freebourne

January 22, 2004

FTL:1156867:1

FACTS AND DOCUMENTARY EVIDENCE

3. To establish a date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

19 sketches

_____ blueprints

_____ photographs

_____ reproduction(s) of notebook entries

_____ model

_____ supporting statement(s) by witness(es) (where verbal disclosures are the evidence relied upon)

DILIGENCE

4. Attached is a statement establishing the diligence of the Applicant, from the time of his conception to a time just prior to the filing of this application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is presented as a submission in conjunction with a Request for Continued Examination to final rejection.

DECLARATION

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

7. Inventor

Full name of sole inventor: Christian Mayaud

Country of Citizenship: United States of America

Residence: 2 GOVERNORS ROAD

City and State/Province: BRONXVILLE NY

Country and Zip/Postal Code: USA 10708

Mailing Address: (Same as above)

Inventor's Signature: Christian Mayaud

Date: ✓ 1/21/04

SUPPORTING STATEMENT BY CHRISTIAN MAYAUD

I, Christian Mayaud, am the author of the enclosed materials entitled, "Physicians Online." The enclosed materials were developed by me prior to December 13, 1993 and presented under a Nondisclosure Agreement to a third party prior to December 13, 1993. The enclosed materials illustrate that I invented the subject matter of claim 70 prior to the December 13, 1993 effective date of the Schrier et al. reference cited by the Examiner. In particular, I note the following:

- a prescription creation screen having prescriber-operable data capture devices is illustrated on Page 11 of the enclosed materials;
- a patient identifier data capture device for capturing patient-identifying data is illustrated on Page 13 of the enclosed materials;
- a prescribed drug data capture device for capturing prescribed drug identification data is illustrated on Pages 13 and 16 of the enclosed materials;
- at least one drug quantifier capture device for capturing drug quantification data is illustrated on Pages 13, 15, and 16 of the enclosed materials;
- a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data is illustrated on Pages 13 of the enclosed materials;

- a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs is illustrated on Pages 13, 15, and 16 of the enclosed materials;
- a prescription output screen device to output a completed prescription is illustrated on Pages 13 and 16 of the enclosed materials.

Through extensive research and development, I at least invented the invention in this application prior to December 13, 1993, the effective date of the Schriber et al. reference cited by the Examiner.

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Country and Zip/Postal Code: USA 10708

Mailing Address: (Same as above)

Inventor's Signature: ✓ Ch Mayaud

Date: ✓ 1/21/04

STATEMENT ESTABLISHING THE DILIGENCE OF THE APPLICANT

I, Christian Mayaud, from the time of my conception of the invention in this application to a time just prior to the filing of this application was diligent in my attempts to secure patent rights in my invention. My diligence is demonstrated by my filing of a nonprovisional patent application prior to the present application and claiming the benefit of priority from said nonprovisional application. The nonprovisional patent application that I filed and claimed benefit of under 35 U.S.C. § 119(e) in the present application is Serial No. 330,745, filed on October 28, 1994, now abandoned.

Full name of sole inventor: Christian Mayaud

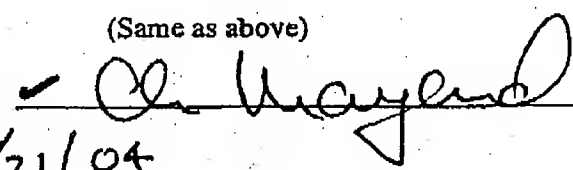
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